

Milciades Alcantara,  
Plaintiff,

VS.

Larry Powers, Teresa Speller, and  
Lieutenant Hayes,  
Defendants.

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C.A. No.: 9:09-cv-03326-RBH

## ORDER

Plaintiff, proceeding *pro se*, brought this suit pursuant to 42 U.S.C. § 1983. Plaintiff was a detainee at the Spartanburg County Detention Center at the time this action was filed. This matter is before the court for review of the Report and Recommendation of United States Magistrate Judge Bristow Marchant, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1).

Neither party has filed objections to the Report and Recommendation.<sup>1</sup> In the absence of objections to the Report and Recommendation of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310 (4<sup>th</sup> Cir. 2005) stating that “in the absence of a timely filed objection, a district court need not conduct *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'” (quoting Fed. R. Civ. P. 72 advisory committee's note).

After a thorough review of the record in this case, the Court finds no clear error. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference. Therefore, it is

**ORDERED** that this action is dismissed, with prejudice, in accordance with Rule 41(b), Fed. R. Civ. P.

**IT IS SO ORDERED.**

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s/R. Bryan Harwell  
R. Bryan Harwell  
United States District Judge

Florence, South Carolina  
June 7, 2010

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<sup>1</sup> As a matter of fact, the Clerk's office mailed copies of the Magistrate Judge's [Docket Entry 14] Order Granting Defendants' Motion for Extension of Time and his [Docket Entry 17] Report and Recommendation to Plaintiff's last known address, but both documents were returned undelivered. The returned envelope containing Plaintiff's copy of the Report and Recommendation noted that it was “not deliverable as addressed, unable to forward,” and that Plaintiff was “no longer at [that] institution.” Mail [Docket Entry 19].